

of any county of this State, it shall not be necessary to set forth a copy of the said ordinance, or any particular section thereof; but every such indictment or warrant shall be sufficient if it recites the number of the ordinance alleged to have been violated with the date of its passage, or if the ordinance has been embraced in a codification, if it refers to the number of the Article and section of such codification containing such ordinance, and conforms to the rules of law governing the framing of indictments or warrants for violation of Acts of the General Assembly of this State, and concludes "against the form of the ordinance in such case made and provided, and against the peace, government and dignity of the State".

### **Indictments—Murder or Manslaughter.**

An. Code, 1924, sec. 563. 1912, sec. 506. 1906, ch. 248.

**665.** In any indictment for murder or manslaughter, or for being an accessory thereto, it shall not be necessary to set forth the manner or means of death. It shall be sufficient to use a formula substantially to the following effect: "That A. B., on the——day of——nineteen hundred and——, at the county aforesaid, feloniously (wilfully and of deliberately premeditated malice aforethought) did kill (and murder) C. D.

As to murder, see sec. 475, *et seq.*

This section valid and not in violation of art. 21 of the Maryland Declaration of Rights; adding the word "negligently" to indictment did not affect its validity. *Neusbaum v. State*, 156 Md. 149.

### **Procedure—Indictments—Amendment.**

1933 (Special Sess.), chs. 8 and 76.

**666.** All motions for new trials in criminal cases shall be heard by the Court in which said motion is pending, or by the Supreme Bench of Baltimore City in cases of motions for new trials pending in the Criminal Court of Baltimore City, within ten days after the filing of said motion, or, in the event an agreed statement of the evidence, or a statement of the evidence certified by the Judge before whom the case was tried, is filed, within ten days after the filing of said statement; provided, however, that the time for the hearing of any such motion may be extended either by an agreement in writing, signed by the State's Attorney of the County or the City of Baltimore, wherein such motion is pending, and by the defendant or his counsel, or by an order signed by the trial Judge.

### **Sentence.<sup>1</sup>**

An. Code, 1924, sec. 564. 1912, sec. 507. 1904, sec. 448. 1888, sec. 292. 1737, ch. 2, 1809, ch. 138, sec. 11. 1825, ch. 93.

**667.** All claims to dispensation from punishment by benefit of clergy are forever abolished; and every person convicted of any felony heretofore deemed clergyable shall be sentenced to undergo a confinement in the penitentiary for any time not less than eighteen months nor more than five years, except in those cases where some other specific penalty is prescribed by this code. And every person who shall be convicted of any felony heretofore excluded from the benefit of clergy, and not specified in this code, shall be sentenced to undergo a confinement in the penitentiary for not less than five nor more than twenty years.

<sup>1</sup> See art. 3, sec. 60, Md. Constitution.